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SUBJECT: Appeals Court Sentence Silences Liberal
Columnist, Stirs Censorship Fears

Reftel: Kuwait 538

(U) SENSITIVE BUT UNCLASSIFIED -- PROTECT ACCORDINGLY. NOT
FOR INTERNET.

1. (U) SUMMARY: Sentenced to a one-year suspended jail term and three years probation for "defaming Islam," a liberal columnist said he will stop writing. The sentence, overruling a January acquittal, has writers wondering about the government's position on press freedom, and fearful of stiffer penalties that may await writers under the government's new press law proposal. END SUMMARY.

"Isn't There An End For This Retardation?"

2. (U) In a June 5, 2004 column in pro-government Arabic daily Al-Seyassah entitled, "Isn't There An End For This Retardation?" liberal Ahmed Al-Baghdadi excoriated the Ministry of Education for increasing religion classes and canceling music lessons in his 12-year-old son's private school. Al-Baghdadi, a professor of political science at Kuwait University who writes three columns a week for Al-Seyassah and others for an Abu Dhabi newspaper, wrote that he sent his son to private school, at considerable cost, to avoid the religious instruction in government schools. Still, he wrote, that could not save his son from "the retardation of the Ministry of Education syllabuses (sic)." [Note: religious education is mandatory in both government and private schools. End note.]

3. (U) Al-Baghdadi wrote, "music is more important than teaching the Holy Qur'an." He added that he would prefer his son to learn English rather than Arabic, that he was afraid that ignorant religious teachers would instruct his son to disrespect women and non-Muslims, and that he did not want his son to have a "possible future in terrorism."

4. (U) The office of the Public Prosecutor charged Al-Baghdadi with defaming Islam in print -- a crime under the current press and publications law -- soon after the article appeared. The Criminal Court acquitted him but on March 19, an Appeals Court ruling overturned the earlier decision and sentenced Al-Baghdadi to the maximum penalty: one year in prison followed by three years of probation. Al-Baghdadi can suspend the jail term by paying a \$6,500 fine, a payment he said he will make.

"This is Very Dangerous, Really"

5. (SBU) According to the Appeals Court ruling, Al-Baghdadi's column defamed Islam by suggesting that there was a link between the Qur'an and terrorism; that the Qur'an encouraged the disrespect of women; and that scholars of the Qur'an and Islam were unable to learn modern knowledge and sciences. Al-Baghdadi said that Kuwaiti Appeals Court judges with connections to conservative religious movements overturned the earlier ruling, made by more secular Egyptian judges on the lower court.

6. (SBU) Al-Baghdadi is familiar with the limits of Kuwaiti press freedom. In 1999, he served 13 days of a one-year sentence for a 1996 column considered insulting towards the Prophet Mohammed before being pardoned by the Amir. But in a March 21 interview with emboffs, he was clearly chastened by his sentence. He said that the three-year probation would silence him: "If I want to be safe, I have to stop writing," he said. And he bemoaned the ruling, which he said was not protecting religion, but rather censoring opinion. "For Kuwaitis, this is very dangerous, really," he said. In press interviews and a recent column, Al-Baghdadi mentioned the possibility of seeking asylum abroad because of the sentence, but disavowed this notion when meeting with emboffs, saying, "I think it's not right, if you don't have the courage to face them."

One Columnist Down. Who's Next?

17. (SBU) Al-Baghdadi expressed concerns that his sentence could be the first of many against Kuwait's vocal cadre of liberal columnists. Government officials called for press restraint and self-censorship on security issues in the aftermath of four fatal January shoot-outs between security forces and militants, all of which were widely reported in the press. Media contacts suggested that the government instructions, and meetings held by Prime Minister Shaykh Sabah Al-Ahmed Al-Sabah with newspaper editors, might be the start of a campaign by the country's leadership to curtail press freedom (REFTEL). Al-Baghdadi and fellow liberals such as Shamlan Al-Issa, Hassan Al-Issa, and Ali Al-Baghli, have loudly criticized Islamists, and the government's unwillingness to confront Islamists in such areas as extremist preaching in mosques and their influence on the curriculum. These writers have suggested that this indirectly led to violence. Al-Baghdadi speculated that cases might soon be filed against these writers.

And The New Press Law Looms.

18. (SBU) Private accusations from liberals that the leadership has been moving in a more despotic direction are typical, and must be taken with a grain of salt. In rhetorical gamesmanship, both liberals and Islamists portray themselves as put-upon, if not oppressed, and engaged in an uphill fight for the rights of Kuwaitis. But the concerns Al-Baghdadi expressed about the new draft Press and Publications Law currently before the National Assembly, which have been echoed by many media and government contacts, cannot be dismissed. The law would retain the right of any citizen to sue any writer for any perceived slight, (this is the provision that allowed two Islamists to bring a case against Al-Baghdadi for defaming Islam). It would increase the maximum penalty for such offenses from one year to ten, and would give the government much more leeway in shutting down newspapers. Al-Baghdadi expressed a commonly heard sentiment: "With the new law, it is hopeless. Really hopeless."

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